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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/573,592 | BOSSE, FRANK | |
| | Examiner Joseph Leyson | Art Unit 1722 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the responses filed on 3 April 2007 and on 1 May 2007.
2. The allowed claim(s) is/are 1-12.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 05/01/2007
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date 20070618.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Luce on June 18, 2007.

The application has been amended as follows:

Claims 13 and 14 have been canceled.

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or reasonably suggest the lay-flat equipment, as recited by instant claims 1-10, particularly including the at least one roller that guides walls of the film or of the tubular film, the at least one device that influences a rotational speed of the roller by providing a torque that can be transferred onto the roller, and the transfer device that transfers the torque and provides for slippage between the roller and the torque-providing device; or the lay-flat device, as recited by instant claims 11 and 12, particularly including the at least one roller that conveys the film, the at least one device that applies the torque that can be transferred to the roller so as to influence the rotational speed thereof, and the transfer device that transfers the applied torque and provides for controlled gradual engagement between the roller and the torque-providing device. Note that claims 1-10 are limited to lay-flat equipment as evidenced by "lay-flat equipment" in claims 2-10 and by the claim limitations in claim 1 of "the equipment

comprising at least one roller that guides walls of the film or of the tubular film", the film or the tubular film being laid flat by the equipment. Note that claims 11 and 12 are limited to a lay-flat device as evidenced by "lay-flat device" in claims 11 and 12. An English translation of WO 03/016023 (previously cited in this application) is attached hereto and cited on the attached PTO Form-892. The examiner agrees with the remarks filed on April 3, 2007 that the prior art of record, particularly WO 03/016023 and Sensen et al. ('022), do not teach or suggest the lay flat equipment or devices including the transfer devices which provide for slippage or for controlled gradual engagement between the roller and the torque-providing device, as recited by the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The drawings were received on April 3, 2007. These drawings are acceptable.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (571) 272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1900 / 1700
